

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SONNY D. BALVIN,

)

8:12CV377

)

Petitioner,

)

)

v.

)

**MEMORANDUM
AND ORDER**

)

FRED BRITTEN,

)

)

Respondent.

)

This matter is before the court on Petitioner's Motion for Leave to Appeal in forma pauperis ("IFP"). (Filing No. [26](#).) Petitioner is a prisoner and has not previously been granted leave to proceed IFP in this matter. For the reasons discussed below, Petitioner's Motion for Leave to Appeal IFP is granted.

On September 16, 2013, the court dismissed Petitioner's Habeas Corpus Petition with prejudice and entered Judgment against him. (Filing Nos. [21](#) and [22](#).) Petitioner thereafter filed a timely Notice of Appeal. (Filing No. [23](#).) As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(1\)](#):

Except as stated in Rule 24(a)(3), a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that:

- (A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;
- (B) claims an entitlement to redress; and
- (C) states the issues that the party intends to present on appeal.

[Fed. R. App. P. 24\(a\)\(1\)](#). In light of Petitioner's financial information contained in the record before the court and pursuant to [Federal Rule of Appellate Procedure 24\(a\)](#), the court concludes that Petitioner may proceed IFP on appeal.

IT IS THEREFORE ORDERED that:

1. Petitioner's Motion for Leave to Appeal IFP (filing no. [26](#)) is granted.
2. The Clerk of the court shall provide the Court of Appeals a copy of this Memorandum and Order.

DATED this 1st day of November, 2013.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

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